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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) CR No.: 10-0276 SI

Plaintiff,)

v.)

JUAN DELEON AVILA,)

Defendant.)

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME UNDER 18
U.S.C. § 3161**

On April 30, 2010, the parties in this case appeared before the Court for the defendant's initial appearance in federal district court on an indictment. At that time, the Court set a further status hearing for May 14, 2010 at 11:00 a.m. The parties agreed to exclude the period of time between April 30, 2010 and May 14, 2010 from any time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the exclusion would allow the reasonable time necessary for effective preparation of counsel, including review of recently produced discovery. See 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an exclusion of time outweigh the best interests of the public and the defendant in

1 a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At the hearing, the Court made findings consistent
2 with this agreement.

3
4 SO STIPULATED:

5 JOSEPH P. RUSSONIELLO
6 United States Attorney

7
8 DATED: April 30, 2010

9 /s/
10 KEVIN J. BARRY
Assistant United States Attorney

11 DATED: April 30, 2010

12 /s/
13 JODI A. LINKER
Attorney for JUAN DELEON AVILA

14 [PROPOSED] ORDER

15 For the reasons stated above and at the April 30, 2010 hearing, the Court finds that the
16 exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from April 30,
17 2010 through May 14, 2010 is warranted and that the ends of justice served by the continuance
18 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C.
19 §3161(h)(7)(A). The failure to grant the requested exclusion of time would deny counsel for the
20 defendant and for the government the reasonable time necessary for effective preparation, taking
21 into account the exercise of due diligence, and would result in a miscarriage of justice. 18
22 U.S.C. §3161(h)(7)(B)(iv).

23 IT IS SO ORDERED.

24
25 DATED: _____

26 

27 THE HONORABLE SUSAN ILLSTON
28 United States District Judge

EXHIBIT A

JOSEPH P. RUSSONIELLO (CABN 44332)
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EXCLUDING TIME UNDER 18 U.S.C. §
3161

ATTESTATION OF FILER

In addition to myself, the other signatory to this document is Jodi Linker. I hereby attest
that I have obtained her permission to file this document with her conformed signature.

DATED: April 30, 2010

/s/ Kevin J. Barry

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